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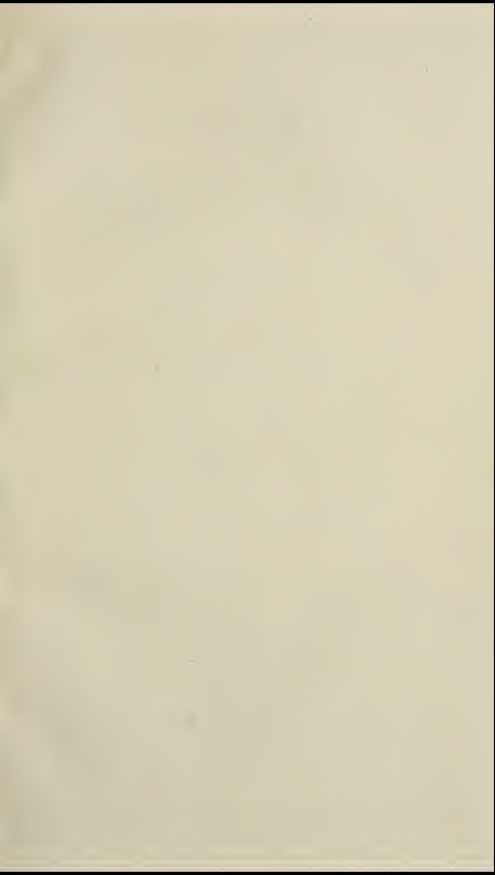
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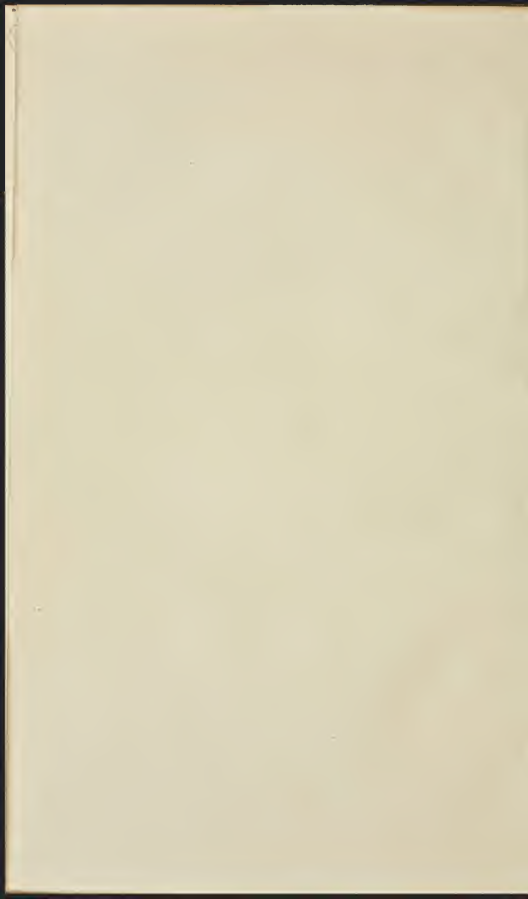
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AN
ADDRESS
TO THE
FARMERS OF GREAT BRITAIN:

WITH
AN ESSAY
ON THE
PRAIRIES OF THE WESTERN COUNTRY:

By **MORRIS BIRKBECK:**
TO WHICH IS ANNEXED,

THE CONSTITUTION
OF THE
STATE OF ILLINOIS.

LONDON;

PRINTED FOR JAMES RIDGWAY, PICCADILLY.

1822.

[Price One Shilling and Sixpence.]

Lately Published, by Richard Flower.

1.—Letters from Lexington, and the Illinois, 1819.
Price One Shilling.

2.—Letters from the Illinois, 1820, 1821, containing
an Account of the English Settlement at Albion
and its vicinity, and a Refutation of various mis-
representations, those more particularly of Mr.
Cobbett. With a Letter from M. Birkbeck, and
a Preface and Notes, by B. Flower. Price 2s. 6d.



P R E F A C E.

In a letter which I lately received from Mr. Birkbeck, accompanying the communications in this tract, he assigns the following reasons for laying them before the public.

“ It is a melancholy consideration that so many persons should be sinking irrecoverably into abject poverty, on your side the Atlantic, who might be happy, independent, and useful citizens on this. If my small help can be availing to redeem a single family, I am content. I have said enough to the public, if it were believed, to do a great deal of good. How to present the truth in characters which will *command* conviction has not yet been discovered by man, on topics still more important. I do not think a laboured description of the country, containing all its advantages and disadvantages, if indeed they could be ascertained, would be much attended to: some *by-ends* would be imputed to the author; and if it induced individuals to come and examine for themselves, and they were satisfied, the moment they became so and professed their conviction, suspicion would attach itself to their professions. The fact is, that man is afraid of his fellow. We consider *self* as the main spring of the activity of others: this is the general rule. Exceptions are acknowledged: a few may admit my exertions among the exceptions; and it is for those I write.”

The perusal of the CONSTITUTION OF THE STATE OF ILLINOIS, which is now for the first time published in this country, will give pleasure to every one concerned for the best interests of the human race. If the reader will turn to ARTICLE viii. (p. 43) he will find those grand principles which form the only just and legitimate source of government—The RIGHTS OF MAN—FREE, EQUAL, and FREQUENT REPRESENTATION—COMPLETE RELIGIOUS LIBERTY,—clearly defined, and explicitly declared as the basis of the Constitution. May these principles be fully practised and ever maintained! The people will then be effectually preserved from the corruptions and abuses which, in a greater or less degree, have deformed all the governments of Europe; and which, if unreformed, will terminate in the destruction of every one of those governments!

Mr. Cobbett has thought proper to notice my brother's last "Letters from the Illinois, &c." (*Register*, Feb. 9th, 1822.) But instead of answering charges seriously affecting the character of any man who had any character to lose, he has added to his former criminality, by advancing additional falsehoods, in a style, however, too contemptible for any one to notice, who is not fond of "waging war with *Bedlam* and the *Mint*." Conscious that he could not answer those charges; not having the honesty to retract assertions equally fraught with wickedness and folly; and after pawning his soul that he would write down the English settlement at the Illinois, he has disgracefully fled from the field; preserving, however, *his character* to the last;—slandering, lying, and whining in his flight:—"I have endeavoured to save others from the ruin and misery from which I could not save the *Birkbecks* and *Flowers*: let those who choose to be the dupes of this set of *land gamblers!!!* be their dupes; I shall never *bother* myself with the subject again."—Thus affording additional evidence of the correctness of his *miniature* lately presented by Mr. Denman in a court of justice:—"Cobbett is a man whose writings exhibited a degree of unprincipled audacity, and of profligate and unfeeling depravity, such as no man had ever betrayed before!"*

B. FLOWER.

Dalston, July 1st, 1822.

* See the *Book of Wonders*, 5th edit. price 1s. 6d. and *Cobbett's Gridiron*, written to warn farmers of their danger, &c. price 6d. The gulls in whom Mr. C. glories as "his disciples," and to whom he has suggested his *wise* and *d benevolent* plans for the hoarding of gold and silver—a general forgery of Bank notes—the robbery and ruin of the fundholders—the *convenient* mode of discharging debts, as enforced in his famous "Letter to Sir F. Burdett:"—those who say that all his confident predictions of—the speedy destruction of the Bank, and the Funds—"the utter impossibility of paying in specie," or "till the interest of the debt is reduced almost to nothing,"—are "come true!"—should carefully get the above faithful compendiums of the writings of their master by heart; that they may be the more fully convinced of his veracity as well as his modesty, in uniformly assuring them that he is the wisest, the most enlightened, the most useful, the most consistent writer of either ancient or modern date! These compendiums will, when his voluminous works are "gone to the family vault of all the Capulets," be sufficient to "damn" the writer "to everlasting fame!"

AN ADDRESS
TO THE
FARMERS
OF
GREAT BRITAIN.

Wanborough, Illinois,

March 31st, 1822.

MY OLD COUNTRYMEN!

THE accounts I receive from various parts of Great Britain of your distressed condition, are too consistent with each other and with my own painful anticipations, to admit in my mind a doubt of their authenticity.—Wretched pauperism, which before my departure, had possession of the cottage, has entered the farm-house, and is prowling round the mansion of the landlord!—Such is the sad report which reaches me in my retreat.

Five years ago I quitted our common country, believing that the sufferings which are now so general were impending, and that they were only to be avoided by flight. It then lay upon me as a duty to communicate, as an example for others, if successful, if not, as a warning, the motives, the progress, and the result, whatever it might be, of my enterprise. This duty I have performed faithfully, by publishing: First, "Notes" on my journey from the Coast of Virginia to this place.* Secondly, A collection of genuine "Letters,"† addressed to my friends within a few months after I had fixed on a situation; and, at different times since, "A Supplementary Letter;"—"An Address to Emigrants;" and a "Reply to Mr. Cobbett." The three last have been re-published in one pamphlet.‡

All the statements and opinions of moment, contained in those publications, have been confirmed by experience. This

* Printed for Ridgway, 8vo. 5th Edition, with a Map, 6s.

† Taylor and Hessey, 3rd Edition, 6s.

‡ Ridgway, 2nd Edition, 1s. 6d.

I now say with the confidence of an honest man, and with something of that indignation which such a man feels, when the truth of his word has been called in question.

Nothing less should have induced me again to come forward in defence of my own veracity, than a recurrence of the same duty which prompted me at first to lay my proceedings before the public.

Happily for myself and my family, we have escaped in time.—We have made good our *landing*: and shall I not, when I can render no further help, lift up my voice and cheer my old *messmates* with words of encouragement?

Peace and independence in the evening of a laborious life;—these I have obtained. My children are settled around me, with the like prospects as the reward of their industry. I may add with perfect confidence, that these blessings await as many of you as choose to embrace them; subject, of course, to the contingencies to which all human affairs are liable. They are to be attained now at a cheaper

rate, inasmuch as you would have to encounter fewer difficulties than we had.

After I had chosen this remote and almost uninhabited region for our residence, the English labourers who wished to follow me had to remove themselves from their homes ; they had to perform the same voyage and the same journey with myself. Thus almost a year was expended in the act of settling, whereas your people may accompany you, if you start with an object in view, and you may commence your operations without loss of time. Implements and materials of various kinds were to be collected, some from a vast distance ; houses and other accommodations, and a supply of food were to be provided for the workmen, as well as my own family ; with innumerable wants, that could not be supplied, and sufferings unavoidable in a settlement entirely new. Here are, now, mechanics willing to be employed ; stores prepared to furnish all you require ; mills to grind your corn and saw your planks ; houses and allotments ready for your la-

bourers, until you can provide for them, Here are men also of like feelings and habits with yourselves. This is no longer a trackless wilderness, but a settled country, abounding in the necessaries and even comforts of life.

Much pains has been taken to impress on the public mind, from motives sufficiently obvious, that my undertaking has failed, and that I am a disappointed and ruined man. To me this is of little importance; but it is of much to you. Many have already been deceived by it, and detained amid increasing difficulties, from which they might have extricated themselves, until it is too late;—they have lost the means of escape.

It is astonishing that people endowed with common sense should allow themselves to be biassed by vague report, and rely upon evidence of the most trivial nature in an affair of so great moment as their establishment for life. There are persons who have, in their own country, betrayed no deficiency in the management of their affairs; but on their arrival in this, they seem to loose their discre-

tion: they will give entire credence to the statements of strangers, who are interested in misleading them; and turn their backs on the testimony of friends of approved fidelity. Several melancholy instances of this nature have come to my knowledge: one of these I will relate as a warning.

A respectable man, who had saved some money by long service as a confidential farming labourer or bailiff in England, came to this place soon after my arrival, accompanied by another labouring man from the same neighbourhood. They bought an excellent piece of land, and applied themselves to labour for hire, with great constancy, to increase their funds previous to commencing cultivation. The following year a brother of the former arrived: they then built a cabin on their farm, sowed a patch of wheat, and made preparation for the reception of the father and a third brother, who were on their passage to America: these landed at Philadelphia, but, instead of pushing forward to join the two brothers and their friend, they listened to the tales of

ignorant or designing people ; took their passage back on board the first ship, and are actually again in England ; having probably spent every shilling which years of industry and honourable parsimony had been treasuring up for this adventure. Thus was the re-union and prosperity of a respectable family frustrated.

This odious practice of misrepresentation, prevails I am told, to a great degree, particularly in relation to these Western settlements, and is by no means confined to the seaports. At every tavern, at almost every step of his weary journey, the anxious traveller is liable to the intrusions of some land speculator or agent, who will if possible obtain his confidence in the guise of a friendly disinterested adviser ; and having discovered his designation, will use any artifice to bewilder and divert him from it, and when sufficiently discouraged, entice him to some other quarter. Of all the dangers attendant on emigration, the danger of being misled is perhaps the greatest. For myself, I should inform you, that I

have no speculations to pervert the integrity of my testimony. I retain only the estate which I purchased for my own occupation ; and my only business is the cultivation of it.

Presuming you may have read, or may choose to read the tracts abovementioned, a particular account of the district would be a tiresome repetition. What I have written will bear the test of examination, and rather under-rates our advantages of situation, as I have frequently had the satisfaction of hearing from judicious observers.

The sum is this :—The Illinois is a country delightful to inhabit ; healthy, rich in soil, and of easy tillage, with good water and a sufficiency of timber ; convenient to navigation, and consequently favourable for a market ;—under a government formed by its inhabitants for their own benefit, and transacted by deputies of their own appointment. It is a country where land in abundance, of excellent quality, may be purchased at the price of from one dollar and a quarter to three dollars per acre ; where the settler

may accommodate his expenditure to the depth of his purse without being subject to invidious comparisons; where the farmer may cultivate much or little according to his capital, or his inclination; where the labourer may earn a week's subsistence by the labour of two days; and lastly, where every man can enjoy the fruits of his industry in perfect security. Here are no tithes or poor rates, and the amount of taxes is under one penny per acre. Yet here, as elsewhere, industry is as essential to success as it is to enjoyment; and the idle, the dilatory, and the dissolute are equally wretched and contemptible. The original decree,—*By the sweat of thy brow shalt thou eat bread*, though not enforced with rigour must not be evaded with impunity.

From the shores of Virginia to this place, I had to explore a vast country, always looking out for an opportunity of settling. I have also traversed this state in various directions; and it is with a feeling of self-gratulation which your candour will rather sympathise with than condemn, that I can now assure you,

that, had I again to choose, this would be my residence in preference to any other situation that I have seen or heard of

I lately presented to the Agricultural Society of the State of Illinois, a paper on the nature and character of our prairies, which are at present but imperfectly understood by our fellow citizens of the eastern states. I shall annex that paper to this address, to give you a more correct notion, as farmers, of the country that opens its arms to receive you. I shall also annex the constitution of our State, that you may judge of the government in which you are invited to participate. On perusing this document you will be apt to exclaim, "There is nothing which our
" ancestors would not have sacrificed to
" have bequeathed such a legacy to us,
" as this which we may now obtain for
" ourselves and our posterity, without a
" struggle."

Thus my old friends and fellow labourers, I have once more thrown myself before you, and probably for the last time. Such of you that know my character in England, in your estimate of my *first*

impressions, might very fairly allow something for political bias and a good deal to errors of judgment; you might suppose me mistaken, but you would not doubt my sincerity.

Five years of probation have now matured those first impressions into matter of fact and experience, in which I cannot be deceived. As such I present it to you coupled with my best wishes.

M. BIRKBECK.

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ON THE PRAIRIES
OF THE
WESTERN COUNTRY.

[First inserted in the Illinois Intelligencer.]

As very erroneous notions prevail respecting the soil and geography of our prairies, as well as their agricultural character, and value in comparison with timbered land, I offer the following observations to the attention of the Agricultural Society, with a diffidence proportioned to the obscurity of the subject and my own limited experience.

The Atlantic States, and those of Kentucky, Ohio, and Indiana, are, with small exceptions, covered with timber. There are a few tracts in the State of Ohio, which are denominated prairies, but they are, I believe, entirely alluvial formations. Those are so which have fallen under my notice : and I am informed that others

which I have not seen, the Pickaway Plains in particular, are of that description.

There are considerable tracts on the western side of Indiana which are more or less bare of timber, and are *not* alluvial. These are called *Barrens*; a term which, in this country, has no reference to the quality of the soil, but merely implies a deficiency of timber either partial or total. It is probable from the appearance of the surrounding wood lands, and of the decaying relics of trees scattered over their surface, that these tracts have been denuded by the agency of fire.

North of Vincennes there are bare tracts of a different character; some of them, in the neighbourhood of the Wabash, may be composed of the alluvium of the river; others are high and rolling; but to the experienced eye, exhibit a character distinct from the *Barrens*. These are genuine *prairies*, though of comparatively small extent.

Crossing the Wabash, some *Barrens* are found, on the eastern side of the State of Illinois, like those of Indiana; but as we proceed westward, north of latitude

33, we enter a prairie country. Belts of timber accompany the streams, and occasionally, tracts of hilly and thin soiled uplands, are tolerably well wooded ; but beyond comparison the larger portion of the surface is without a vestage of tree or shrub.

As the rivers flow from North to South, they, and the timber, which invariably accompany them, form the Eastern and Western boundaries of vast prairies, which are wider or narrower as the streams approach, or recede from each other.

These prairies terminate to the South in a broken and timbered country. But to the North or rather the North West, their limits have not, I believe, been ascertained. The grand prairie, in particular, which is in many parts twenty miles in breadth, is upwards of one hundred miles in length, in this State. It is said to extend beyond the Mississippi, and, in fact, to form an arm of the vast open plains stretching far away to the North West of that river.

I have traversed the prairies from one side of the State to the other, and in various directions; and have no hesitation in deciding that they are *not alluvial* in formation, unless the superficial stratum of vegetable mould may be termed alluvial, as it is evidently an aqueous deposit.—The soils, properly alluvial, which border the rivers, are as I have before observed, covered with timber.

The universal covering of the prairies, and indeed of the whole country, is a black mould varying from six inches to two feet or more in depth, of a quality so entirely uniform, that it should seem to have been deposited over this extensive region, at the same period, by some vast body of superincumbent water. It is almost entirely free from stones or coarse fragments, and the particles are so fine as to be scarcely palpable. It possesses a large proportion of *water of absorption* (not evaporable by the sun or atmosphere) in union with its clayey particles; and these are so intimately mixed with fine silicious sand as to prevent all tendency to *bind* or

accumulate in clods when under cultivation. This enables it to retain moisture with wonderful tenacity through the dryest seasons; and, in the wettest, it does not *hold* water, but becomes firm and fit for the plough in a few hours after the heaviest rains.

One hundred parts of this soil contains by analysis, about

5 parts water of absorption,

7 parts vegetable matter,

7 parts clay with a small portion of oxide of iron, and the remainder silicious sand, nearly impalpable.

This excellent soil rests on a subsoil of loam, more or less retentive as it approaches to the character of clay or sand. There are extensive tracts where the subsoil is most absorbent, which are dry at all seasons, and others which are at times wet and spouty. In some instances this is caused by a subsoil impermeable to water, but in many cases the wetness arises from the redundant moisture of higher lands, and may be easily remedied by the simple process of inclosure, if judiciously conducted.

An agricultural observer who has been accustomed to the soils of Europe, particularly of Great Britain, where clay, sand, gravel, calcareous earth, and their admixtures in every conceivable proportion, may be seen within the compass of a few miles, or possibly on the same farm, is struck by the absolute identity of surface which here prevails over a region comprehending, at least, twenty millions of acres. Here the difference of quality depends almost wholly on the nature of the subsoil and the depth of the vegetable strata. This is greatest on elevated plains; next, on the tops of rounded swells, and least on steep declivities and hilly uplands; just as such a deposit, having been nearly of an equal depth in its formation, would be left by a lake gradually flowing off through an increasing outlet.

A large proportion of this rich country consists as I have before observed, of extensive plains. The surface of these plains is generally undulating, but not sufficiently so to break the force of the winds. They are, for the most part, en-

tirely bare of trees, but clothed with luxuriant herbage.

Those portions of the country which are *hilly and broken*, are generally *covered with timber*, although thinner soiled than the plains, and in this respect, less adapted to its growth; but the inequalities of the surface afford mutual shelter.

The vallies, through which the rivers have their course, are also well timbered; and the minor streams are marked by a strip of wood, which finds protection from the wind, in the narrow, and deep hollows with which they intersect the prairies.

The woodland tracts appear in very many instances to be extending themselves, being skirted by groves of entirely young timber, of extraordinary beauty and vigorous growth.

Those who have traversed the *treeless plains and wooded vallies* of Europe, and who are aware of the extreme difficulty of raising plantations of timber in exposed situations, will readily conceive that the nakedness of these plains is owing to the want of shelter. But this, which I

believe to be the real cause of the existence of our prairies, may not easily satisfy the native American, who has ever considered timber as the earth's natural covering.

Had the cultivation of this continent commenced at the foot of the Rocky mountains instead of the Eastern coast; when it had reached the Western limits of the open country, and was meditating an inroad on the forests of the East, as *we* are now inroaching on the prairies of the West, speculation would have taken the opposite side, and the enquiry would have been, "Whence those interminable *woods*, which obstruct us at every step, "in our progress to the Atlantic?" A question not more easily solved than the one before us. It is indeed matter of astonishment that on so vast a tract, hardly a spot of earth should be found, accessible to the sun's rays, and covered with green turf, excepting the bleak glades of the Allegahany mountains and the alluvial meadows on the sea shore.

A recollection of the country I crossed, on my journey from the East, confirms the

opinions I have since formed on this subject, from a view of the prairies, viz. That considerable inequalities of surface are essential to the *first growth of timber*; but that, once established, it extends itself by virtue of shelter of its own creation, over exposures where it could not have made a *commencement*: that hills and dales are naturally woody, and plains are naturally bare.

Supposing the extensive plains which are now wholly destitute of trees, to have been reduced to this state by *fire*; then, in order to account for the absence of prairies in hilly and broken countries, it becomes necessary to show that the agency of fire is destructive of timber on plains only. This mode of proof appears to be perfectly applicable to the supposition that *exposure* is the cause, and affords a strong support to that opinion.

Prairie land when inclosed, merely, is in a more forward and profitable state for cultivation than timbered land, when inclosed and cleared in the usual way, at the expence of fifteen or twenty dollars

per acre ; or, of twice that sum, by European labourers who are unpractised in the work.

To encourage early and extensive inclosures, as the sure foundation of prosperous improvements, it should be known that a prairie, which has been mown or pastured two years, may be ploughed with half the labour of that which is in wild state. The strong rooted plants, particularly the *Ceanothus* or Red Root, being completely killed and the turf rendered more mellow, and fitter to receive a crop. The advantage also, and convenience derived from inclosures, in regard to live stock, are so great, that I would recommend new settlers to apply themselves to fencing, with all assiduity ; and, in every case where there may be a redundancy of moisture at any season, to inclose by ditches.—The best mode I have seen, for security and cheapness, is a ditch four feet at the top, one foot at the bottom, and three feet deep, measuring the slope of the side. The earth and turf, forming a bank, and a fence of five rails upon it. Observe that the bottom

rails should be *flat* on the bank. Such a fence is absolute, against cattle; and as much so against hogs as any thing short of a stone wall.

The cost, including carriage of rails from a moderate distance, is half a dollar per rod of five and half yards. The ditch and bank are liberally paid for at 33 cents. per rod.

THE
CONSTITUTION
OF THE
STATE OF ILLINOIS.

THE People of the Illinois Territory, having the right of admission into the general government as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of 1787, and the law of Congress "approved April 8th, 1818," entitled "An act to enable the people of the Illinois Territory to form a Constitution and State government, and for the admission of such State into the Union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to themselves and their posterity, do, by their representatives in convention, ordain and establish the following Constitution or form of government; and do mutually agree with each other to form themselves into a free and independent State, by the name of the State of *ILLINOIS*. And they do hereby ratify the boundaries assigned to such State by the act of Congress aforesaid, which are as follows, to-wit:—Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana to the north west corner of said State; thence east with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river; and thence down along the middle of that river to

its confluence with the Ohio river; and thence up the latter river along its north western shore to the beginning.

ARTICLE I.

Concerning the Distribution of the Powers of Government.

SECT. 1. The powers of the government of the State of Illinois, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

SECT. 2. No person or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE II.

SECT. 1. The legislative authority of this State, shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

SECT. 2. The first election for senators and representatives shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday in August, one thousand eight hundred and twenty; and forever after, elections shall be held once in two years, on the first Monday of August in each and every county, at such places therein as may be provided by law.

SECT. 3. No person shall be a representative who shall not have attained the age of twenty-one years, who shall not be a citizen of the United States, and an inhabitant of this State; who shall not have resided within the limits of the county or district in which he shall be chosen, twelve months next preceding his election; if such county or district shall have been so long erected: but if not, then within the limits of the county or counties, district or districts out of which the same shall have

been taken, unless he shall have been absent on the public business of the United States or of this State; and who moreover shall not have paid a state or county tax.

SECT. 4. The senators at their first session herein provided for, shall be divided by lot from their respective counties or districts, as near as can be, into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; and those of the second class at the expiration of the fourth year; so that one half thereof as near as possible, may be biennially chosen for ever thereafter.

SECT. 5. The number of senators and representatives shall, at the first session of the general assembly, holden after the returns herein provided for are made, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. The number of representatives shall not be less than twenty-seven, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and the number of senators shall never be less than one third nor more than one half of the number of representatives.

SECT. 6. No person shall be a senator who has not arrived at the age of twenty-five years, who shall not be a citizen of the United States, and who shall not have resided one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken; unless he shall have been absent on the public business of the United States or of this State, and shall not moreover have paid a state or county tax.

SECT. 7. The senate and house of representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the senate excepted;) each house shall judge of the qualifications and elections of its members, and sit upon its own adjournments. Two thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SECT. 8. Each house shall keep a journal of its proceedings and publish them; the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on the journals.

SECT. 9. Any two members of either house, shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals.

SECT. 10. Each house may determine the rules of its proceedings, punish its members for disorderly behavior; and with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SECT. 11. When vacancies happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

SECT. 12. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest, during the session of the general assembly, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

SECT. 13. Each house may punish by imprisonment during its session, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not at any one time exceed twenty four hours.

SECT. 14. The doors of each house and of committees of the whole shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SECT. 15. Bills may originate in either house, but may be altered, amended, or rejected by the other.

SECT. 16. Every bill shall be read on three different days in each house, unless in case of urgency, three-fourths of the house where such bill is so depending, shall deem it expedient to dispense with this rule; and

every bill having passed both houses shall be signed by the speakers of their respective houses.

SECT. 17. The style of the laws of this State shall be, "*Be it enacted by the People of the State of Illinois, re-*" "*presented in the General Assembly.*"

SECT. 18. The general assembly of this state shall not allow the following officers of government greater or smaller annual salaries than as follows, until the year one thousand eight hundred and twenty-four: The governor, one thousand dollars; and the secretary of state six hundred dollars.

SECT. 19. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created or the emoluments of which shall have been increased during such time.

SECT. 20. No money shall be drawn from the Treasury but in consequence of appropriations made by law.

SECT. 21. An accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws at the rising of each session of the general assembly.

SECT. 22. The house of representatives shall have the sole power of impeaching, but a majority of all the members present must concur in an impeachment; all impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two thirds of all the senators present.

SECT. 23. The governor and all other civil officers under this State shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, profit or trust, under this State. The party, whether convicted or acquitted shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SECT. 24. The first session of the general assembly shall commence on the first Monday of October next; and forever after, the general assembly shall meet on the first Monday in December next ensuing the election of

the members thereof, and at no other period, unless as provided by this constitution.

SECT. 25. No judge of any court of law or equity, secretary of state, attorney-general, attorney for the State, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or this State, (provided that appointments in the militia, postmasters or justices of the peace, shall not be considered lucrative offices) shall have a seat in the general assembly; nor shall any person holding an office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this State.

SECT. 26. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this State, and also an oath of office.

SECT. 27. In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector: but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

SECT. 28. All votes shall be given *viva voce* until altered by the general assembly.

SECT. 29. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SECT. 30. The general assembly shall have full power to exclude from the privilege of electing or being elected, any persons convicted of bribery, perjury or any other infamous crime.

SECT. 31. In the year one thousand eight hundred and twenty, and every fifth year hereafter, an enumeration of all the white inhabitants of the State shall be made, in such manner as shall be directed by law.

SECT. 32. All bills for raising a revenue shall originate in the house of representatives, subject however to amendment or rejection as in other cases.

ARTICLE III.

SECT. 1. The Executive power of the State shall be vested in a governor.

SECT. 2. The first election of governor shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday of August, in the year of our Lord one thousand eight hundred and twenty-two. And for ever after, elections for governor shall be held once in four years, on the first Monday in August. The governor shall be chosen by the electors of the members of the general assembly, at the same places, and in the same manner, that they shall respectively vote for members thereof. The returns for every election of governor, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot, of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SECT. 3. The first governor shall hold his office until the first Monday of December, in the year of our Lord one thousand eight hundred and twenty-two, and until another governor shall be elected and qualified to office: and for ever after, the governor shall hold his office, for the term of four years, and until another governor shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States thirty years; two years of which next preceding his election, he shall have resided within the limits of this State.

SECT. 4. He shall from time to time give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SECT. 5. He shall have power to grant reprieves and pardons after conviction, except in cases of impeachment.

SECT. 6. The governor shall at stated times receive a salary for his services, which shall neither be increased nor diminished, during the term for which he shall have been elected.

SECT. 7. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SECT. 8. When any officer, the right of whose appointment is by this constitution vested in the general assembly, or in the governor and state, shall during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission which shall expire at the end of the next session of the general assembly.

SECT. 9. He may on extraordinary occasions convene the general assembly by proclamation, and shall state to them when assembled the purpose for which they shall have been convened.

SECT. 10. He shall be commander in chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

SECT. 11. There shall be elected in each and every county in the said state, by those who are qualified to vote for members of the general assembly, and at the same times and places where the election for such members shall be held, one sheriff and one coroner, whose election shall be subject to such rules and regulations as shall be prescribed by law. The said sheriffs and coroners respectively when elected, shall continue in office two years, be subject to removal and disqualification, and such other rules and regulations as may be from time to time prescribed by law.

SECT. 12. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

SECT. 13. A lieutenant governor shall be chosen at every election for governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor, and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

SECT. 14. He shall by virtue of his office, be speaker of the senate, have a right when in committee of the whole to debate, and vote on all subjects; and whenever the senate are equally divided, to give the casting vote.

SECT. 15. Whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members, as speaker for that occasion; and if during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the State, the speaker of the senate, shall in like manner administer the government.

SECT. 16. The lieutenant-governor, while he acts as speaker of the senate, shall receive for his services the same compensation, which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government, as governor, he shall receive the same compensation, which the governor would have received, had he been employed in the duties of his office.

SECT. 17. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration resign, die, or be absent from the State, during the recess of the general assembly, it shall be the duty of the secretary for the time being, to convene the senate for the purpose of choosing a speaker.

SECT. 18. In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until the time pointed out by this constitution for the election of governor shall arrive, unless the general assembly shall

provide by law for the election of a governor to fill such vacancy.

SECT. 19. The governor for the time being and the judges of the supreme court, or a major part of them, together with the governor, shall be and are hereby constituted a council, to revise all bills about to be passed into laws, by the general assembly; and for that purpose shall assemble themselves, from time to time, when the general assembly shall be convened; for which nevertheless they shall not receive any salary or consideration, under any pretence whatever; and all bills which have passed the senate, and the house of representatives, shall, before they become laws, be presented to the said council for their revisal and consideration; and if upon such revisal and consideration, it should appear improper to the said council, or a majority of them, that the bill should become a law of this state, they shall return the same, together with their objections thereto in writing, to the senate or house of representatives, (in which soever the same shall have originated,) who shall enter the objections set down, by the council at large in their minutes, and proceed to reconsider the said bill: but if after such reconsideration, the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, by a majority of the whole number of members elected; it shall, together with the said objections, be sent to the other branch of the general assembly where it shall also be reconsidered; and if approved by a majority of all the members elected, it shall become a law. If any bill shall not be returned within ten days after it shall have been presented, the same shall be a law; unless the general assembly shall by their adjournment render a return of the said bill in ten days impracticable; in which case the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of the said ten days, or be a law.

SECT. 20. The governor shall nominate, and by and with the advice and consent of the senate, appoint a secretary of state, who shall keep a fair register of the official acts of the governor, and when required shall lay the same and all papers, minutes and vouchers rela-

tive thereto before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

SECT. 21. The state treasurer and public printer or printers for the state shall be appointed biennially by the joint vote of both branches of the general assembly: *Provided*, that during the recess of the same, the governor shall have power to fill such vacancies as may happen in either of said offices.

SECT. 22. The governor shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution or shall be established by law, and whose appointments are not herein otherwise provided for: *Provided however*, that inspectors, collectors, and their deputies, surveyors of the highways, constables, jailors and such inferior officers whose jurisdiction may be confined within the limits of the county, shall be appointed in such manner as the general assembly may prescribe.

ARTICLE IV.

SECT. 1. The judicial power of this state shall be vested in one supreme court, and such inferior courts as the general assembly shall, from time to time, ordain and establish.

SECT. 2. The supreme court shall be holden at the seat of government, and shall have an appellate jurisdiction only, except in cases relating to the revenue, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

SECT. 3. The supreme court shall consist in a chief justice and three associates, any two of whom shall form a quorum. The number of justices may however be increased by the general assembly after the year one thousand eight hundred and twenty four.

SECT. 4. The justices of the supreme court and the judges of the inferior courts shall be appointed by joint ballot of both branches of the general assembly, and commissioned by the governor, and shall hold their offices during good behaviour, until the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of

our Lord one thousand eight hundred and twenty-four, at which time their commissions shall expire, and until the expiration of which time, the said justices respectively shall hold circuit courts in the several counties, in such manner and at such times, and shall have and exercise such jurisdiction as the general assembly shall by law prescribe: but ever after the aforesaid period, the justices of the supreme court shall be commissioned during good behaviour, and the justices thereof shall not hold circuit courts unless required by law.

SECT. 5. The judges of the inferior courts shall hold their offices during good behaviour, but for any reasonable cause which shall not be sufficient ground for impeachment, both the judges of the supreme and inferior courts shall be removed from office on the address of two-thirds of each branch of the general assembly: *Provided always*, that no member of either house of the general assembly, nor any person connected with a member by consanguinity or affinity shall be appointed to fill the vacancy occasioned by such removal. The said justices of the supreme court during their temporary appointments shall receive an annual salary of one thousand dollars, payable quarter yearly out of the public treasury. The judges of the inferior courts, and the justices of the supreme court who may be appointed after the end of the first session of the general assembly which shall be begun and held after the first day of January, in the year of our Lord one thousand eight hundred and twenty-four, shall have adequate and competent salaries, which shall not be diminished during their continuance in office.

SECT. 6. The supreme court, or a majority of the justices thereof, the circuit courts or the justices thereof, shall respectively appoint their own clerks.

SECT. 7. All process, writs and other proceedings shall run in the name "*of the people of the state of Illinois.*" All prosecutions shall be carried on "*in the name and by the authority of the people of the state of Illinois,*" and conclude "*against the peace and dignity of the same.*"

SECT. 8. A competent number of justices of the peace shall be appointed in each county in such manner as the general assembly may direct, whose time of service,

power and duties shall be regulated and defined by law: and justices of the peace when so appointed shall be commissioned by the governor.

ARTICLE V.

SECT. 1. The militia of the state of Illinois shall consist of all free male able bodied persons, negroes, mulattoes and Indians excepted, resident in the state, between the ages of eighteen and forty five years, except such persons as now are or hereafter may be exempted by laws of the United States or of this state, and shall be armed, equipped and trained as the general assembly may provide by law.

SECT. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

SECT. 3. Company, battalion and regimental officers, staff officers excepted, shall be elected by the persons composing their several companies, battalions and regiments.

SECT. 4. Brigadier and major-generals shall be elected by the officers of their brigades and divisions respectively.

SECT. 5. All militia officers shall be commissioned by the governor, and may hold their commissions during good behaviour, or until they arrive at the age of sixty years.

SECT. 6. The militia shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

ARTICLE VI.

SECT. 1. Neither slavery or involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person arrived at the age of twenty one years, nor female person arrived at the age of eighteen years, be held

to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made, and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

SECT. 2. No person bound to labour in any other State, shall be hired to labour in this State, except within the tract reserved for the salt works near Shawaneetown; nor even at that place for a longer period than one year at any one time; nor shall it be allowed there after the year one thousand eight hundred and twenty-five: any violation of this article shall effect the emancipation of such person from his obligation to service.

SECT. 3. Each and every person who has been bound to service by contract or indenture in virtue of the laws of Illinois territory heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered in conformity with the aforesaid laws, shall serve out the time appointed by said laws: *Provided however*, that the children hereafter born of such persons, negroes or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years. Each and every child born of indentured parents, shall be entered with the clerk of the county in which they reside by their owners, within six months after the birth of said child.

ARTICLE VII.

SECT. 1. Whenever two thirds of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors at the election of members to the general assembly to vote for or against a convention; and if it shall appear that a majority of all the citizens of the State voting for representatives have voted for a convention, the general as-

sembly shall, at their next session, call a convention to consist of as many members as there may be in the general assembly; to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, and which convention shall meet within three months after the said election, for the purpose of revising, altering, or amending this constitution.

ARTICLE VIII.

THAT THE GENERAL, GREAT, AND ESSENTIAL PRINCIPLES OF LIBERTY AND FREE GOVERNMENT MAY BE RECOGNIZED AND UNALTERABLY ESTABLISHED, WE DECLARE,

SECT. 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SECT. 2. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness.

SECT. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever controul or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

SECT. 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

SECT. 5. That elections shall be free and equal.

SECT. 6. That the right of the trial by jury shall remain inviolate.

SECT. 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreason-

able searches and seizures; and that general warrants whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

SECT. 8. That no free man shall be imprisoned or dissiezed of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land: and all lands which have been granted as a common, to the inhabitants of any town, hamlet, village, or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall for ever remain common to the inhabitants of such town, hamlet, village or corporation: and the said commons shall not be leased, sold, or divided, under any pretence whatever: *Provided however*, That nothing in this Section shall be so construed as to affect the commons of Cahokia or Prairie Dupont: *Provided also*, That the general assembly shall have power and authority to grant the same privileges to the inhabitants of the said villages of Cahokia and Prairie Dupont, as are hereby granted to the inhabitants of other towns, hamlets, and villages.

SECT. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favour: and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; and that he shall not be compelled to give evidence against himself.

SECT. 10. That no person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanor in office.

SECT. 11. No person shall for the same offence be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives in the general assembly, nor without just compensation being made to him.

SECT. 12. Every person within this State, ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SECT. 13. That all persons shall be bailable by sufficient sureties unless for capital offences, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

SECT. 14. All penalties shall be proportioned to the nature of the offence, the true design of all punishments being to reform, not to exterminate mankind.

SECT. 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate, for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

SECT. 16. No *ex post facto* law, nor any law impairing the validity of contracts shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

SECT. 17. That no person shall be liable to be transported out of this state, for any offence committed within the same.

SECT. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SECT. 19. That the people have a right to assemble together in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

SECT. 20. That the mode of levying a tax shall be by valuation, so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

SECT. 21. That there shall be no other banks or monied institutions in this State, than those already provided by law, except a State bank and its branches, which may be established and regulated by the general assembly of the State as they may think proper.

SECT. 22. The printing presses shall be free to every person, who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

SECT. 23. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or where the matter published is proper for public information; the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases.

SCHEDULE.

SECT. 1. That no inconveniences may arise from the change of a territorial to a permanent State government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals, and bodies corporate, shall continue as if no change had taken place in this government, in virtue of the laws now in force.

SECT. 2. All fines, penalties and forfeitures due and owing to the territory of Illinois shall enure to the use of the State. All bonds executed to the governor, or to any other officer in his official capacity in the territory, shall pass over to the governor, or to the officers of the State, and their successors in office, for the use of the State, by him or by them, to be respectively assigned over to the use of those concerned, as the case may be.

SECT. 3. No sheriff or collector of public monies shall be eligible to any office in this State, until they have paid over according to law, all monies which they have collected by virtue of their respective offices.

SECT. 4. There shall be elected in each county three county commissioners for the purpose of transacting all county business, whose time of service, power, and duties, shall be regulated and defined by law.

SECT. 5. The governor, secretary, and judges, and all other officers, under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

SECT. 6. The governor of this State shall make use of his private seal, until a State seal shall be provided.

SECT. 7. The oaths of office herein directed to be taken, may be administered by any justice of the peace until the general assembly shall otherwise direct.

SECT. 8. Until the first census shall be taken as directed by this constitution, the county of Madison shall be entitled to one senator, and three representatives; the county of St. Clair, to one senator, and three representatives; the county of Bond, to one senator, and one representative; the county of Washington, to one senator, and one representative; the county of Monroe, to one senator, and one representative; the county of Randolph, to one senator, and two representatives; the county of Jackson, to one senator, and one representative; the counties of Johnson and Franklin, to form one senatorial district, and to be entitled to one senator, and each county to one representative; the county of Union, to one senator, and two representatives; the county of Pope, to one senator, and two representatives; the county of Gallatin, to one senator, and three representatives; the county of White, to one senator, and three representatives; the county of Edwards, to one senator, and two representatives; and the county of Crawford, to one senator, and two representatives.

SECT. 9. The president of the convention shall issue writs of election, directed to the several sheriffs of the several counties, or in case of the absence, or disability of any sheriff, then the deputy sheriff, and in case of the absence, or disability of the deputy sheriff, then such writ to be directed to the coroner, requiring them to cause an election to be held for governor, lieutenant-governor, representative to the present congress of the United States, and members to the general assembly, and sheriffs and coroners, in the respective counties; such election to commence on the third Thursday in September next, and to continue for that and the two succeeding days; and which election shall be conducted in the manner prescribed by the existing election laws of the Illinois Territory; and the said governor, lieutenant-governor, members of the general assembly, sheriffs and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution, and until their successor or successors are qualified, and no longer.

SECT. 10. An auditor of public accounts, an attorney general, and such other officers for the State as may be necessary, may be appointed by the general assembly; whose duties may be regulated by the law.

SECT. 11. It shall be the duty of the general assembly to enact such laws as may be necessary and proper to prevent the practice of duelling.

SECT. 12. All white male inhabitants above the age of twenty one years, who shall be actual residents of this State, at the signing of this constitution, shall have a right to a vote at the election to be held on the third Thursday and the two following days of September next.

SECT. 13. The seat of government for the State shall be at Kaskaskia, until the general assembly shall otherwise provide. The general assembly at their first session holden under the authority of this constitution, shall petition the Congress of the United States, to grant to this State a quantity of land, to consist of not more than four nor less than one Section, or to give to this State, the right of pre-emption in the purchase of the said quantity of land. The said land to be situate on the Kaskaskia river, and as near as may be, east of the third principal meridian on the said river. Should the prayer of such petition be granted, the general assembly at their next session thereafter, shall provide for the appointment of five commissioners, to make the selection of the said land so granted; and shall further provide for laying out a town upon the said land so selected; which town, so laid out, shall be the seat of government of this State for the term of twenty years. Should however the prayer of the said petition not be granted, the general assembly shall have power to make such provision for a permanent seat of government as may be necessary, and shall fix the same where they may think best.

SECT. 14. Any person of thirty years of age who is a citizen of the United States, and has resided within the limits of this State, two years next preceding his election, shall be eligible to the office of lieutenant governor: any thing in the Thirteenth Section of the Third Article of this Constitution contained to the contrary notwithstanding.

DONE in Convention at Kaskaskia, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States of America, the forty-third.

IN TESTIMONY WHEREOF, we have hereunto subscribed our names.

JESSE B. THOMAS, *President of the Convention, and representative from the county of St. Clair.*

John Messinger,	}	<i>St. Clair County.</i>
James Lemen, jun.		
George Fisher,	}	<i>Randolph County.</i>
Elias Kent Kane,		
B. Stephenson,	}	<i>Madison County.</i>
Joseph Borough,		
Abraham Prickett,		
Michael Jones,	}	<i>Gallatin County.</i>
Leonard White,		
Adolphus Frederic Hubbard,	}	<i>Johnson County.</i>
Hezekiah West,		
William M'Fatrige,	}	<i>Edwards County.</i>
Seth Gard,		
Levi Compton,	}	<i>White County.</i>
Willis Hargrave,		
William M'Henry,	}	<i>Monroe County.</i>
Caldwell Carns,		
Enoch Moore,	}	<i>Pope County.</i>
Samuel Omelvany,		
Hainlet Ferguson,	}	<i>Jackson County.</i>
Conrad Will,		
James Hall, jun.	}	<i>Crawford County.</i>
Joseph Kitchell,		
Ed. N. Cullom,	}	<i>Bond County.</i>
Thos. Kirkpatrick,		
Samuel G. Morse,	}	<i>Union County.</i>
William Echols,		
John Whiteaker,	}	<i>Washington County.</i>
Andrew Bankson,		
Isham Harrison,	}	<i>Franklin County.</i>
Thomas Roberts,		

ATTEST,

WILLIAM C. GREENUP,

Secretary to the Convention.

AN ORDINANCE.

WHEREAS the Congress of the United States in the act entitled, "an act to enable the people of the Illinois territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, passed the 18th April, 1818," have offered to this convention for their free acceptance or rejection, the following propositions, which if accepted by the convention are to be obligatory upon the United States, viz :

"1st. That section numbered sixteen in every township, and when such Section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township for the use of schools.

2d. That all salt springs within such State and the lands reserved for the use of the same, shall be granted to the said State for the use of the said State, and the same to be used under such terms and conditions and regulations as the legislature of the said State shall direct; provided the legislature shall never sell nor lease the same for a longer period than ten years at any one time.

3d. That five per cent. of the nett proceeds of the lands lying within such State, and which shall be sold by Congress from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expences incident to the same, shall be reserved for the purposes following, viz : Two fifths to be disbursed under the direction of the Congress, in making roads leading to the State; the residue to be appropriated by the legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

4th. That thirty-six Sections or one entire township, which shall be designated by the president of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said State, to be appropriated solely to the use of such seminary by the said legislature."

And whereas, the four foregoing propositions are offered on the condition that this convention shall provide by ordinance, irrevocable without the consent of

the United States, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order or under the authority of the State, whether for State, county or township, or any other purpose whatever, for the term of five years, from and after the day of sale. And further, that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt as aforesaid, from all taxes for the term of three years, from and after the date of the patent respectively; and that all the lands belonging to the citizens of the United States, residing without the said State, shall never be taxed higher than lands belonging to persons residing therein.

Therefore, this convention, on behalf of and by the authority of the people of the State, do accept of the foregoing propositions; and do further ordain and declare, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order or under any authority of the State, whether for state, county, or township, or any purpose whatever, for the term of five years, from and after the day of sale; and that the bounty lands granted or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt as aforesaid, from all taxes for the term of three years, from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States residing without the said State, shall never be taxed higher than lands belonging to persons residing therein. And this convention do further ordain and declare, that the foregoing ordinance, shall not be revoked without the consent of the United States.

DONE in Convention at Kaskaskia, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States of America, the forty-third.

JESSE B. THOMAS,
President of the Convention.

ATTEST.
WM. C. GREENUP, *Secretary to the Convention.*









